

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KESHNI N. GOUNDAR,

Plaintiff,

5

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 2:19-cv-01305-JRC

ORDER GRANTING
UNOPPOSED MOTION FOR
ATTORNEY'S FEES PURSUANT
TO 42 U.S.C. § 406(b)

This matter is before the Court on the parties' consent (Dkt. 2) and on plaintiff's

unopposed motion for attorney's fees pursuant to 42 U.S.C. § 406(b). Dkt. 23.

The Court may allow a reasonable fee for an attorney who represented a claimant before

the Court and obtained a favorable judgment, as long as the fee is not in excess of twenty-five

percent of the total past-due benefits. See 42 U.S.C. § 406(b)(1); *Grisbrecht v. Barnhart*, 535

¹⁰ U.S. 789, 807 (2002). When a contingency agreement applies, the Court will look first to the

agreement and will conduct an independent review to assure the reasonableness of the fee

requested, taking into consideration the character of the representation and results achieved. See

¹⁰ *Grisbrecht*, 535 U.S. at 807–08. Although the fee agreement is the primary means for

1 determining the fee, the Court will adjust the fee downward if substandard representation was
2 provided, if the attorney caused excessive delay, or if a windfall would result from the requested
3 fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151 (9th Cir. 2009) (citing *Grisbrecht*, 535 U.S. at
4 808).

5 Here, the representation was standard, at least, and the results achieved excellent.
6 Following a stipulated remand from this Court for further consideration (Dkt. 15), plaintiff was
7 awarded benefits. *See* Dkt. 23-2. There has not been excessive delay and no windfall will result
8 from the requested fee.

9 Plaintiff's total back payment was \$80,550.00. *See* Dkt. 23-2 at 3. Plaintiff's gross
10 attorney's fee of \$20,137.50 is twenty-five percent of the back benefits. However, plaintiff's
11 attorney already received an EAJA award in the amount of \$3,735.55, which he will refund to
12 plaintiff. *See* Dkt. 22, 23.

13 Based on plaintiff's unopposed motion and supporting documents (*see* Dkt. 24), it is
14 hereby ORDERED that attorney's fees in the amount of \$20,137.50 be awarded to plaintiff's
15 attorney pursuant to 42 U.S.C. § 406(b). The Social Security Administration is directed to send
16 payment of the 406(b) fees, minus any applicable processing fees as allowed by statute to
17 plaintiff's attorney at NW Disability Benefits, LLC dba Kerr Robichaux & Carroll (TID 85-
18 3999428), PO Box 14490, Portland, OR 97293. Plaintiff's attorney will refund the EAJA fee of
19 \$3,735.55 to plaintiff following receipt of the 42 U.S.C. § 406(b) award.

20 Dated this 13th day of May, 2022.

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23 J. Richard Creatura
24 Chief United States Magistrate Judge